



08-CV-00510-ORD

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4 AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON DEPUTY
5 BY

HONORABLE MARSHA J. PECHMAN

6
7 IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE
8 RICHARD O. BUSE,)
9 Plaintiff,) Case No. CV 08-00510-MJP
10 vs.)
11 FIRST AMERICAN TITLE INSURANCE) STIPULATION AND ORDER
COMPANY; FORECLOSURELINK, INC.;) REGARDING THE FILING OF
GREENPOINT MORTGAGE FUNDING,) PLAINTIFF'S RESPONSE TO THE
INC.; MORTGAGE ELECTRONIC) MOTION FOR SUMMARY
REGISTRATION SYSTEMS, INC.;) JUDGMENT FILED BY DEFENDANTS
RESCOMM HOLDINGS NO. 2, LLC; UM) FORECLOSURELINK AND FIRST
ACQUISITIONS, LLC; TOM BLOCK; and) AMERICAN TITLE INSURANCE
Doe Defendants 1 through 20,) COMPANY AND THE FILING OF
12) THEIR REPLY
13)
14)
15)
16 Defendants.)
17

18 FACTS
19 As outlined in the Declaration of Melissa A. Huelsman Regarding Late Filing, which
20 was filed in this case on April 21, 2009 by counsel for Plaintiff Richard Buse, his attorney was
21 required to file his Response to the Motion for Summary Judgment filed by Defendants
22 ForeclosureLink and First American Title Insurance Company ("First American") by April 20,
23 2009. See, Declaration of Melissa A. Huelsman Re: Late Filing ("Huelsman Dec."). Ms.
24 Huelsman had completed most of the work on the pleadings by early evening and needed to
25 leave to go home, taking the work with her to complete the filing electronically from home.
26 Huelsman Dec., ¶2-4. Ms. Huelsman has filed pleadings in United States District Court for the
27

STIPULATION/ORDER RE: FILING OF MSJ RESPONSE
AND REPLY
CV-08-00510 -MJP - 1

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1 Western District of Washington from her home previously because she kept records of her
2 passwords in the Contact portion of her Outlook file. *Id.* And in fact, Ms. Huelsman filed
3 pleadings in another case in this Court just a few weeks ago. *Id.*

4 When Ms. Huelsman finished the work on the pleadings and prepared to file them with
5 the Court, she realized that the Password entry in her Contacts had been deleted and she did not
6 have her ECF password and account, which were necessary to file pleadings with the Court.
7 *Id.* Ms. Huelsman had an incident earlier in the evening where her Blackberry was taken by a
8 stranger and was finally returned to her. She is uncertain if this person could have copied the
9 entries and then deleted them thinking that they were passwords for online accounts or if
10 someone else in her office deleted the Password file from her Contacts because she has no idea
11 how or why the information was deleted. *Id.* Nevertheless, Ms. Huelsman could not file the
12 pleadings with the Court until she got to her office on the morning of April 21, 2009, when she
13 had access to her passwords and account information. *Id.* This was the reason that Ms.
14 Huelsman was late in filing the responsive pleadings with this Court.

15 Under the Local Rules, the Reply of Defendants ForeclosureLink and First American
16 would need to be filed on or before April 24, 2009.

17 STIPULATION

18 Based upon the above-assertions by Ms. Huelsman regarding the reason for her relay in
19 filing the responsive pleadings, counsel for Mr. Buse, Law Offices of Melissa A. Huelsman,
20 P.S., Melissa A. Huelsman, and counsel for Defendants ForeclosureLink and First American,
21 Peter Salmon, Pite Duncan, LLP, have agreed and hereby stipulate to the following:

22 1. The responsive pleadings filed and served on behalf of Plaintiff Richard Buse
23 may be considered timely filed for having been filed on April 21, 2009.

24 2. Defendants ForeclosureLink and First American shall file and serve their Reply
25 to Mr. Buse's Response on or before April 27, 2009.

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STIPULATION/ORDER RE: FILING OF MSJ RESPONSE
AND REPLY
CV-08-00510 -MJP - 2

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2 DATED this 21st day of April 2009.

3 Pite Duncan, LLP Law Offices of Melissa A. Huelsman, P.S.
4 Attorneys for Defendants ForeclosureLink Attorney for Plaintiff Richard O. Buse
and First American Title Insurance
Company

5 By /s/ Peter J. Salmon By /s/ Melissa A. Huelsman
6 Peter Salmon, WSBA No. 31382 Melissa A. Huelsman, WSBA No. 30935
7 Attorney for Defendants ForeclosureLink Attorney for Plaintiff
8 and First American Title Insurance
9 Company

10 **ORDER**

11 Based on the foregoing stipulation, it is hereby ordered:

- 12 1. The responsive pleadings filed and served on behalf of Plaintiff Richard Buse
13 may be considered timely filed for having been filed on April 21, 2009.
14
15 2. Defendants ForeclosureLink and First American shall file and serve their Reply
16 to Mr. Buse's Response on or before April 27, 2009.

17 DATED this 22 day of April 2009.

18 
19 THE HONORABLE MARSHA PECHMAN

20 Presented by:
21 Law Office of Melissa A. Huelsman, P.S.
Attorney for Plaintiff

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STIPULATION/ORDER RE: FILING OF MSJ RESPONSE
AND REPLY
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STIPULATION/ORDER RE: FILING OF MSJ RESPONSE
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